

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HENRY WATKINS,	:	
	:	NO. 02-CV-2881
Plaintiff,	:	
	:	
v.	:	
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION & PAROLE,	:	
EDWARD JONES, and MICHAEL BUKATA	:	
	:	
Defendants.	:	
	:	

DEFENDANTS' STATUS REPORT

Defendants, the Pennsylvania Board of Probation & Parole, Willie E. Jones and Michael Bukata, by their attorneys, pursuant to the Court's December 13, 2005 Order, respectfully submit this Status Report.

On October 28, 2005, Defendants' filed a motion to compel discovery. In that motion, Defendants seek:

1. addresses, telephone numbers and subjects of information relating to individuals named in Plaintiff's Self-Executing Disclosures;

2. identification of all documents that Plaintiff is aware of, or intends to rely on, that have not already been produced in this case;

3. available dates for depositions of witnesses;

4. a withdrawal of objection to Defendants' Third Set of Requests for Admissions, number 4, and a response to be given either admitting or denying the request;

5. a fully responsive answer to Interrogatory number 1, which states, "For each request made by Defendants in their First Set of Requests for Admissions that you did not unequivocally admit, describe all facts and identify all documents that support your denial"; and

6. fully responsive answers to Defendants' Third Set of Interrogatories.

On November 9, 2005, in response to Defendants' request, this Court entered an Order holding Defendants' motion in abeyance due to health issues of Plaintiff's counsel. On December 12, 2005, Defendants' counsel spoke to Plaintiff's counsel. Plaintiff's counsel advised Defendants' counsel that he had recovered and that he would attempt to comply with Defendants' discovery requests in approximately two weeks. Plaintiff's counsel understandably could not provide a definitive date because he was on trial.

Defendants respectfully suggest that the Court give the parties until January 6, 2006 to determine if they can resolve their discovery dispute. By January 9, 2006, the Defendants will notify the Court of the status of the discovery dispute.

Without the requested discovery, the Defendants cannot predict accurately the exact nature of the scope of the remaining fact discovery. The Defendants do anticipate, however, that they may require 45 to 60 days after the discovery dispute is resolved to complete fact discovery. By January 9, 2006, assuming that the discovery dispute is resolved, the Defendants can provide the Court

with a definitive fact discovery deadline.

To date, Plaintiff has not identified any expert witnesses. Thus, no expert discovery is necessary.

At this point, the Defendants do anticipate filing a summary judgment motion seeking dismissal of Plaintiff's entire case. The Defendants respectfully request that the Court set the dispositive motion deadline for 30 days after the completion of fact discovery.

Respectfully submitted,

GINO J. BENEDETTI, ESQUIRE (GJB320)
Miller, Alfano & Raspanti, P.C.
1818 Market Street - Suite 3402
Philadelphia, PA 19103

Dated: December 20, 2005

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Status Report on behalf of Defendants, Pennsylvania Board of Probation & Parole, Willie E. Jones and Michael Bukata has been served on this date on the individual and in the manner listed below:

VIA EMAIL

RJSugarman@aol.com

VIA FIRST CLASS U.S. MAIL

Robert J. Sugarman, Esquire
Sugarman & Associates
11th Floor, Robert Morris Building
100 North 17th Street
Philadelphia, PA 19103

Attorney for Plaintiff

BY: _____

GINO J. BENEDETTI, ESQUIRE
Miller, Alfano & Raspanti, P.C.
1818 Market Street - Suite 3402
Philadelphia, PA 19103

Dated: December 20, 2005

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